

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHESTER W.,

Plaintiff,

v.

5:21-CV-0480  
(ML)

COMMISSIONER OF SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

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APPEARANCES:

OF COUNSEL:

OLINSKY LAW GROUP  
Counsel for the Plaintiff  
250 South Clinton Street  
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Syracuse, New York 13202

HOWARD D. OLINSKY, ESQ.

SOCIAL SECURITY ADMINISTRATION  
Counsel for the Defendant  
J.F.K. Federal Building  
15 New Sudbury Street  
Boston, Massachusetts 02203

DANIEL S. TARABELLI, ESQ.  
Special Assistant United States  
Attorney

MIROSLAV LOVRIC, United States Magistrate Judge

**CONSENT ORDER TO REMAND PURSUANT  
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Daniel Stice Tarabelli, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to Sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a hearing before an Administrative Law Judge and the issuance

of a new decision, may be taken; and Plaintiff, through counsel Howard D. Olinsky, having consented to the within order and the requested remand (Dkt. No. 18), and the Court having considered the matter,

IT IS on this 19<sup>th</sup> day of April, 2022,

**ORDERED** that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further

**ORDERED** that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further

**ORDERED** that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorney's fees under the Equal Access to Justice Act (EAJA), 42 U.S.C. § 2412.

Dated: April 19, 2022  
Binghamton, New York

  
Miroslav Lovric  
U.S. Magistrate Judge